ADJOURNMENT MOTIONS.

(i) re. Withdrawal of political and semi-political prosecutions.

Mr. President.—I have received notice of an adjournment motion "*to discuss the necessity of withdrawing all political and semi-political prosecutions in the State in the light of the recent change of Governmental policy in our Indian neighbourhood towards the civil liberties of the public*". The Hon'ble Member will show how it can be justified to be one of urgent importance as contemplated by the rule and whether the discussions of motions relating to prosecutions pending in courts will not infringe the rule relating to matters *sub judice*.

* **Mr. K. M. Ibrahim** *(Cranganur)*.—The Hon'ble President wants me to show how it is urgent. It is urgent in asmuch as the prosecutions are still going on in our State and the freedom of a large number of citizens are jeopardised by these prosecutions being in a pending condition. So, it is urgent. The next point is whether it will affect a matter that is *sub judice*. Here, the question is not about the decision of a particular case on its particular merits. It is a question of deviation of the governmental policy in withdrawing all prosecutions and to take a liberal view so far as the prosecutions of the politicals are concerned. It is not a question affecting a particular case pending in a court but a broad policy which is necessary here inasmuch as our neighbourhood is following a civilised policy in that matter and inasmuch as our policy is to copy and to correspond with the conditions in Britith India in laws and other matters I say this is urgent as well as justifiable.

* **Dr. A. R. Menon** *(Pallippuram)*.—So long as we continue this discussion without reference to the cases pending we cannot say that it will affect the matters *sub judice* and Government should consider this question in a broader aspect. It is not simply to save one or two persons that a motion of this nature is brought now. In a small State like Cochin when the adjacent districts having the same civilisation, same character, same education have done it, I think it will be a matter of sound policy for Government. It is easy to create war and difficult to make peace. It must be construed in that general way. It must be construed in the spirit that the acceptance of this motion and a favourable reply from the Government will immediately give a very beneficial effect both to the Government and to the

* Speeches not corrected by the Hon'ble Members.

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people. I submit that even if there is a technical objection, such objection should be waived and the question must be viewed with a broader aspect.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—May I know, Sir, how many prosecutions are there in the State of a political nature?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—There is only one.

Dr. A. R. Menon *(Pallippuram)*.—Whether there is 1 or 100, that is not the point. You are beginning your second term of office as Diwan and this is a most psychological moment for you to make a magnanimous decision, to experiment what the other Governments have done. The Diwan should take a general policy in this case. The question of prestige should not stand in the way. Benevolence will only increase the prestige.

Mr. K. M. Kunhi Moideen *(Kattur)*.—Is there only one prosecution?

Mr. E. Ikkanda Warriar *(Urakam)*.—There are security proceedings which are more or less of a political nature. There are more cases than one.

Mr. President.—It is not for me as President to decide what particular policy should be construed as a gesture on the part of the Government and what political repercussions such a policy will have. What I have to consider is whether under the rules and Standing Orders this motion is in order. Firstly, I have to decide whether the motion can be construed to be one of urgency as contemplated in the Standing Order and rule pertaining to this particular topic. The actual definition of the word 'urgency' has been given on many occasions and I have no doubt in my mind that I cannot under any circumstances construe this motion to be of that technically urgent nature as will warrant the adjournment of this House for the purpose of discussing this question. And apart from that, this motion clearly infringes the rules relating to the discussion of matters which are *sub judice*. Certain Hon'ble Members mentioned that it is possible to discuss the general principles without going into the merits of actual cases. But even where such issues have been raised it has been previously ruled that if it appears to the mind of the President that a discussion cannot effectively take place without reference to particular cases and the reference to particular cases will infringe the rules relating to cases *sub judice*, the President will never allow such

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matters to be discussed. For instance, it will never be possible to convince this House that Government is following a repressive policy of launching political prosecutions without actual reference to the cases pending. Otherwise beyond making this statement there cannot be any effective discussion. For these reasons I cannot hold that this motion is in order.

Motion was ruled out of order.

(ii) re. the Fire Accident in Ernakulam.

Mr. President.—There is another adjournment motion of Mr. A. V. Moothedan "*to discuss the immediate necessity of making a public enquiry into the disastrous fire that broke out last week at Broadway, Ernakulam*". There are similar motions by Mr. Ezhuthassan "*to discuss the neglect of the authorities including the Government to keep in readiness proper and effective machinery and arrangement to fight fire as evinced in the recent gutting of a large number of shops in the Ernakulam Broadway*", and another one by Mr. Ramachandra Ayyar "*to discuss the recent disastrous fire out-break in the Ernakulam Bazaar.*" The 3 motions may be taken together.

Dr. A. R. Menon (*Pallippuram*).—What I want to say is, what is the urgency to deal with it now? If there was carelessness on the part of the authorities concerned I can understand. In that case there is some meaning in it.

Mr. President.—The motion is in order. Does the Hon'ble Member object to it?

Dr. A. R. Menon (*Pallippuram*).—I don't.

Mr. President.—I think for the convenience of the House, this motion may be taken up tomorrow, because the Finance Member's speech would have to be made at half-past three today. If the House agrees I will fix it at half-past 3 to-morrow.

(iii) re. the Suspension of P. Kochukrishna Menon.

Mr. President.—Then there is another motion by Mr. Ikkanda Warriar "*to discuss the suspension of Poomala Kochukrishna Menon, a school-master in a Malayalam school in State service, without giving reasons and the period for which he is suspended*".

Mr. K. P. Kannan Nayar (*Secretary to Government*).—I cannot understand the urgency of the matter or the public importance that underlies it. The teacher in question has been

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